

REMARKS/ARGUMENTS

The following species have been identified:

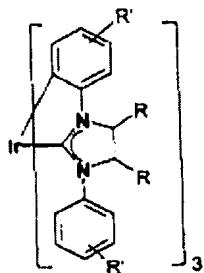
Species I: Ir complex (5) (see page 46 of the specification);
Species II: Ir complex (6) (see page 47 of the specification);
Species III: Ir complex (7) (see page 48 of the specification); and
Species IV: Ir complex (8) (see page 50 of the specification).

Applicants provisionally elect, with traverse, the following species for examination purposes only: Ir complex (7) (see page 48 of the specification) (claims 19-41 readable thereon).

The Office has asserted that the species noted above do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

“the species are linked together via formula I which does not have a core structure ... [l]ack of a core structure leads to an a priori determination of lack of unity as there is no substantial shared structure to act as the special technical feature.” (emphasis added)

This assertion by the Office of a lack of a core structure is incorrect for the following reasons. The main core structure is the carbene complex of formula (I) which comprises a metal atom (M), carbene ligand(s), mono- or di- anionic ligand(s) (L), and uncharged mono- or bidentate ligand(s) (K). Furthermore, the Ir-complexes of formulas (5)-(8) share the core structure of the ligand of formula (II). Lastly, the strucutures of formulas (5)-(8) share the following basic strucuture:



Thus, contrary to the Office's position that “there is no substantial shared structure to act as the special technical feature”, one can clearly see the shared structure indicated above. Accordingly,

the species (complexes 5-8) do relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species share the same special technical feature.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for election. Applicants therefore request that the requirement for election be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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